

**United States District Court**  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

BYRON HIBBERT,

No. C 12-2865 WHA (PR)

Petitioner,

**ORDER OF DISMISSAL**

vs.

KEVIN CHAPPEL,

(Dkt. No. 3)

Respondent.

/

This pro se habeas action was filed on June 4, 2012. On that same day, petitioner was notified that he had neither paid the filing fee nor filed an application to proceed in forma pauperis (“IFP”). A copy of the court’s form for IFP applications was provided with the notice along with a return envelope. Petitioner was informed that if he did not either pay the \$5.00 filing fee or file a completed IFP application within thirty days the case would be dismissed. Along with the notice, he was mailed a copy of the IFP application, instructions for completing it, and a pre-paid return envelope. The instructions indicated that in order to complete the IFP application, he was required to submit a certificate of funds form completed and signed by a prison official as well as a statement of his prison trust account showing transactions for the last six months. Plaintiff has filed an application, but he has not submitted the completed certificate

//

//

1 of funds or trust account statement, nor has he explained his failure to do so. As more than  
2 three months have passed since the deficiency notice and Plaintiff has neither paid the filing fee  
3 nor filed a completed IFP application, this case is **DISMISSED** without prejudice.

4 The incomplete IFP application (dkt. 3) is **DENIED**.

5 The clerk shall enter judgment and close this file.

6 **IT IS SO ORDERED.**

7  
8 Dated: October 4, 2011.

  
9 WILLIAM ALSUP  
10 UNITED STATES DISTRICT JUDGE